



महाराष्ट्र शासन राजपत्र असाधारण भाग चार

वर्ग ४, अंक १४] सोमवार, ऑक्टोबर ८, २०१२/आश्विन १६, शके १९३४ [पृष्ठ ३, किंमत : रुपये १५.००

असाधारण क्रमांक ४०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रस्तापित केलेले अध्यादेश व केलेले विनियम

अनुक्रमणिका

सन २०१२ चा महाराष्ट्र अध्यादेश क्रमांक १०.— महाराष्ट्र नगरपरिषद, नगर पंचायती व औद्योगिक नगरी अधिनियम, १९६५ यांमध्ये अंणखी सुधारणा करण्यासाठी अध्यादेश.

पृष्ठे
१-३

नगर विकास विभाग

मादम कामा मार्ग, हुतात्मा राजगुरू चौक,

मंत्रालय, मुंबई ४०० ०३२, दिनांक ८ ऑक्टोबर २०१२

MAHARASHTRA ORDINANCE No. X OF 2012.

AN ORDINANCE

FURTHER TO AMEND THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

सन २०१२ चा महाराष्ट्र अध्यादेश क्रमांक १०.

महाराष्ट्र नगरपरिषद, नगर पंचायती व औद्योगिक नगरी अधिनियम, १९६५ यांमध्ये अंणखी सुधारणा करण्यासाठी अध्यादेश.

ज्याअधी, राज्य विधानमंडळाच्या दोन्ही सभागृहांचे अधिवेशन झाले आहे :

१९६५ चा अधिनियम, यात वापुढे दिलेल्या प्रयोगनामसह, महाराष्ट्राच्या राज्यपालांनी, महाराष्ट्र नगरपरिषद, नगर पंचायती व औद्योगिक नगरी अधिनियम, १९६५ यांमध्ये अंणखी सुधारणा करण्यासाठी लावलेले मरा कार्यवाही करणे जोमूळे आवश्यक आहे अशी परिस्थिती अस्तित्वात असल्याकरील त्यांचे आदेश १० पेटवले आहे :

(१)

१० वा-२०-२

क्रमांक माहिती क्र. २०१२१००९१६३१३६००२५

निवेदन

महाराष्ट्र नगरपालिकांचा नगर पंचायती व अधिकांश नगरी अधिनियम, १९६५ (१९६५ चा भा. १०) च्याच कलम १३ मध्ये अशी तरतूद जोड केली, हाअर्थ असलेल्या जागमार्जे निवडणूका नटवण्यास हच्छक असलेले आगली नाथीनंदराज्यशास्त्रवेर, शाहाष्ट अनुमृचित ताती, अनुमृचित मयाती, निमृक्त ताती, घटका मयाती, इतर मयासर्जा व विशेष मापम प्रवर्ग (तातीच प्रमाणपत्र देण्याचे व त्याचा प्रहताठणचे अतिमम) अधिनियम, २००१ (२००१ चा भा. २३) च्या तरतूदीन अनुसरन, शक्षम प्राधिकार्याने दिलेले यतीधे प्रमाणपत्र व प्रहताठणी सतितीने दिलेले वेधता प्रमाणपत्र सादर करील.

२. सुभारं दहा नगरपरिषदांच्या निवडणुका ऑक्टोबर २०१२ मध्ये घेतल्या जात असून, या निवडणुका शिष्टाचाराने घेतात. शारीरिक कमजास्त असलेल्या व्यक्तींचा मूल प्रश्न आहे. तसेच, अन्य नगरपरिषदांच्या अशा निवडणुका वीनकड्या भविष्यवाढीत येण्यात येण्याची शक्यता आहे. यात यंत्रणेच्या समीक्षाकडे पोथ्या प्रमाणाने अनेक प्रभावित आहेत हे लक्षात घेता राष्ट्रीय असलेल्या शारीरिक निवडणुका आढल्यास इच्छुक असलेल्या अनेक व्यक्तींना, नागनिर्देशनात भरण्याच्या दिनांकापूर्वी पडताळणी समीक्षांकडून देण्यात येणारे वैधता प्रमाणपत्र मिळाले नाही आणि परिणामी, ते त्यांच्या निवडणुका लढावण्याच्या हक्कापासून वंचित राहतील. म्हणून, शासनात, राष्ट्रीय जागृतादी निवडणुका लढावण्यास इच्छुक असलेल्या आणि नागनिर्देशनात भरलेल्या जाण वृत्त्या प्रमाणपत्र मिळाल्यासाठी जात पडताळणी समीक्षांकडे अनेक बालेन्या व्यक्तींना ते निवडून आल्याचे घोषित झाल्याच्या दिनांकापासून वहा महिन्यांच्या आत जात वैधता प्रमाणपत्र सादर करण्याची परवानगी देण्याची दृष्टीने, उक्त अधिनियमाभ्या सुधारणा करणे इष्ट वाटते. तसेच, शासनात, राष्ट्रीय असलेल्या पदावर निवडून आलेल्या नगरपरिषदांच्या अधिकांना ते निवडून आल्याचे घोषित झाल्याच्या दिनांकापासून सहा महिन्यांच्या आत वैधता प्रमाणपत्र सादर करण्याची परवानगी देण्यासाठी उक्त अधिनियमाच्या कलम ५१-एच मध्ये सुधारणा करणे इष्ट वाटते.

३ राज्य विधानमंडलच्या दोन्ही सभागृहांचे अधिवेशन धातू नुसरी आणि अग्रभक्त प्रवर्तनगंमारी, सारगमू नगरपरिषदा, नगर पंचायती व औद्योगिक नगरी अक्षीनियम, १९६५ (१९६५ चा सहा ४०), ग्रामस्थ जाणतो सुधारणा तरण्याधरिता सारगमूच्या राज्यपालांनी तात्काळ कार्यवर्गी करणे तामुळे मायमनक प्रताप अशी परिस्थिती अस्तित्वात असल्याबाबत त्यांची सूत्री पटली आहे, म्हणून, हा अध्यादेश प्रस्तावित करण्यात येत आहे.

के. शंकरनाथपण्ण,

पुढाळाच्या माहितीने

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने

Figure 1

दिनांक ६ ऑक्टोबर २०१२

श्रीजयसिंह सिंह.

शासनासं प्रधान सचिव



ISI No. MAHENG/2009/35528
Reg No. MH/MR/South-544/2011-2012

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक ३६] सोमवार, ऑक्टोबर ८, २०१२/अश्विन १६, उके १९३४ [पृष्ठ ३, किंमत : रुपये १८.००

असाधारण क्रमांक ५८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Ordinance, 2012 (Mah. Ord. X of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,

Secretary to Government,
Law and Judiciary Department.

(Translation in English of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Ordinance, 2012 (Mah. Ord. X of 2012), published under the authority of the Governor.)

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 8th October 2012.

MAHARASHTRA ORDINANCE No. X OF 2012.

AN ORDINANCE

for further to amend the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature are not in session;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:—

Short title and commencement. 1. (1) This Ordinance may be called the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Ordinance, 2012.

(2) It shall come into force at once.

Amendment of section 9A of Mah. XL of 1965. 2. To section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to as "the principal Act"), the following provisos shall be added, namely:—

"Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that, he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee;

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor."

Amendment of section 51-1B of Mah. XL of 1965. 3. To section 51-1B of the principal Act, the following provisos shall be added, namely:—

"Provided that, for the elections for the post of President for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that, he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee;

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a President."

STATEMENT

Section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965) provides that a person who desires to contest election to a reserved seat shall submit, alongwith the nomination papers, the Caste Certificate issued to him by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jati), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001).

2. The general elections of approximately ten Municipal Councils are scheduled to be held in October 2012 and preliminary work for holding these elections has already commenced. Such elections of other Municipal Councils are also likely to be held in near future. Taking into consideration the pendency of large number of applications with the Scrutiny Committee, number of persons desirous of contesting the elections to the reserved seats will not get the Validity Certificate issued by the Scrutiny Committee before the date of filing nomination and as a result, they would be deprived of their right to contest the election. The Government, therefore, considers it expedient to amend the said Act with a view to allow the persons desirous of contesting election for reserved seats and who have applied to the Caste Scrutiny Committee for obtaining Caste Validity Certificate at the time of filing the nomination, to submit the Caste Validity Certificate within six months from the date on which they are declared elected. Similarly, the Government considers it expedient to amend section 51-1B of the said Act to allow Presidents of the Councils elected against reserved post, to submit the Validity Certificate within six months from the date on which they are declared elected.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes aforesaid, this Ordinance is promulgated.

K. SANKARANARAYANAN,
Governor of Maharashtra

By order and in the name of the Governor of Maharashtra,

Mumbai,

SHREEKANT SINGH,

Dated the 8th October 2012,

Principal Secretary to Government